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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,022	06/05/2001	Ada Mac Edecker	0112463-003	6765
24573	7590	12/04/2006	EXAMINER	
BELL, BOYD & LLOYD, LLC PO BOX 1135 CHICAGO, IL 60690-1135			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/874,022	Applicant(s) EDECKER ET AL.	
	Examiner Kristie Shingles	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 and 55-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-53 and 55-60 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION*Election/Restrictions*

Upon further consideration of the claimed invention and in light of Applicant's Remarks and Amendments filed 9/6/2006, it has been determined that a restriction of the claims is in order. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. **Claims 1-29**, drawn enabling user's to access a virtual reality server host by identifying a network address of the server host wherein at least one of the plurality of servers communicates with the server host, classified in class 345 subclass 564.
- II. **Claims 30-31**, drawn to registering a host and host owner in order to establish communication with a home session server, classified in class 709 subclass 227.
- III. **Claims 32-34**, drawn to locating a user by issuing a location request to determine the location of the user based on host-name resolution, classified in class 709 subclass 245.
- IV. **Claims 35-40**, drawn to a client activating and maintaining continuous network communication with the virtual reality host, classified in class 709 subclass 228.
- V. **Claims 41 and 42**, drawn to temporarily/permanently relocating a host within a virtual reality network which involves a host in a first location and establishing a network communication between the host and home session server, wherein the home session server is assigned to the host and located in a second location, classified in class 709 subclass 238.
- VI. **Claims 43-44**, drawn to teleporting a plurality of users between a plurality of virtual reality environments wherein each of the users has a host for accessing the plurality of virtual reality environments, which involves creating a user group of a least two hosts, classified in class 345 subclass 502.
- VII. **Claims 45-52**, drawn to accessing a network virtual reality environment from a server, classified in class 709 subclass 219.
- VIII. **Claims 53 and 55-60**, drawn to facilitating distributed data processing of a virtual reality environment between a data/session server and a plurality of hosts, classified in class 709 subclass 201 and 217.

The inventions are independent or distinct, each from the other for being combination/sub combinations and/or for being mutually exclusive.

1. Regarding the restriction of Independent Claims 1 and 16 vs. Independent Claims 45, 49, 53, 56 and 60 vs. Independent Claims 35 and 39:

2. Inventions of Claims 45, 49, 53, 56 and 60 are related as combination and subcombination with: a) Claims 1 and 16 and b) Claims 35 and 39. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

In the instant case, the combination as claimed does not require the particulars of the subcombination of Claims 1 and 16 as claimed because the limitation claiming “a plurality of servers adapted to store and transmit the data representing the virtual reality environment and data representing the location of the server host wherein the data representing the network location of the server host identifies a network address of the server host wherein at least one of the plurality of servers communicates with the server host” is not required by claims 45, 49, 53, 56 and 60 in order to implement the virtual reality environment. The subcombination has separate utility such as directing users to server that sends users the address of the server host in order for the user to contact the server host directly for particular data and then contact another specific server for other content—this feature offers authentication/authorization and/or address resolution techniques not suggested or required by the other claims.

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Furthermore, the combination as claimed does not require the particulars of the subcombination of Claims 35 and 39 as claimed because the limitation claiming “activating data representative of the virtual reality environment...interacting between the client host and the server host with the virtual reality environment wherein the client host activates and maintains data representative of the virtual reality environment identical to the data representative of the virtual reality environment activated with the server host and maintaining the network communication between the client host and the server host wherein the network communication between the client host and the server host is continuous and uninterrupted as the client host obtains the static virtual reality data” is not required by claims 45, 49, 53, 56 and 60 in order to implement the virtual reality environment. The subcombination has separate utility such as activating a virtual reality environment with the client host and maintaining continuous, uninterrupted communication between the client and server—the features of activation and continuous communication are not required by the other claims.

The Examiner has required restriction between combination and subcombination inventions. Where Applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

3. Regarding the restriction of Independent Claim 30 vs. Independent Claim 32 vs. Independent Claims 41 and 42 vs. Independent Claim 43:

4. Inventions of Claims 30, 32, 41 and 42, and 43 are directed to related methods. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed include:

Per claim 30: the method is directed to registering a host and a host owner within a virtual reality network which involves the host issuing a registration request to a plurality of server, transmitting the registration request to another server, determining a home session server, transmitting host owner user data fro the host to the home session server, and assigning and storing unique identifiers of the host and host owner user. The features of this claim differ in inventive scope from the other claimed invention(s).

Per claim 32: the method is directed to locating a host within a virtual reality network which involves issuing a location request from a first host to a first low-level server, wherein the first low-level server is representative of a first geographical region and an upper-level server representative of a second geographical region (larger than the first). The features of this claim differ in inventive scope from the other claimed invention(s), with limitations claiming specific elements not supported by the other claims.

Per claims 41 and 42: the methods are directed to temporarily/permanently relocating a host within a virtual reality network which involves a host in a first location and establishing a network communication between the host and home session server, wherein the home session

server is assigned to the host and located in a second location. The claim also includes distance-calculation means between the host and the home session server. The features of this claim differ in inventive scope from the other claimed invention(s), with limitations claiming specific elements not supported by the other claims.

Per claim 43: the method is directed to teleporting a plurality of users between a plurality of virtual reality environments wherein each of the users has a host for accessing the plurality of virtual reality environments, which involves creating a user group of a least two hosts wherein a first host initiates creation of the user group within the first virtual reality environment wherein a teleporter is activated by one of the host from the user group. The features of "user groups" and a "teleporter" are not suggested or supported by the other claimed invention(s).

The inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants of each other.

5. A telephone call was made to Atty. Mattson on 11/16/2006 to request an oral election to the above restriction requirement, but did not result in an election being made. Atty. Mattson requested an action detailing the restriction specifics in order to elect accordingly.

Applicant is advised that the reply to this requirement, to be complete, must include an election of the invention to be examined even if the requirement is traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER